

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                   SOUTHERN DIVISION  
4  
5  
6       WALLACE DWAYNE PETERSON, JR.,  
7           Plaintiff,  
8       VERSUS                   CIVIL ACTION NO: 1:20-cv-216-HSO-RHWR  
9  
10      PEARL RIVER COUNTY,  
11      MISSISSIPPI; DAVID ALLISON,  
12      Individually; and JOHN AND  
13      JANE DOES 1-10, Individually,  
14           Defendants.  
15  
16  
17                   DEPOSITION OF SHANE EDGAR  
18           Taken at the Pearl River County Sheriff's  
19           Department, 171 Savannah Millard Road,  
20           Poplarville, Mississippi, on Friday,  
21           October 22, 2021, beginning at 9:09 a.m.  
22  
23  
24  
25



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18 ALSO PRESENT: Wallace D. Peterson, Jr.

19

20

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## STIPULATION

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sought to be used in evidence.

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1 (Exhibit 1 was marked.)

2 SHANE EDGAR,

3 having been first duly sworn, was  
4 examined and testified as follows:

5 - - -

6 EXAMINATION

7 BY MR. HOLDER:

8 Q. How would you like me to refer to you,  
9 Officer Edgar, Shane? Does it matter?

10 A. Doesn't matter to me, man.

11 MR. HOLDER: Let the record reflect this  
12 is the deposition of Shane Edgar.

13 BY MR. HOLDER:

14 Q. What's your title?

15 A. My rank is captain. My title is patrol  
16 commander.

17 Q. Okay. Captain, patrol commander, Pearl  
18 River County Sheriff's Department?

19 A. Yep.

20 MR. HOLDER: This is taken pursuant to  
21 notice. Reserve all objections, Lance, save  
22 to the form of the question?

23 MR. MARTIN: Yes.

24 BY MR. HOLDER:

25 Q. All right. State your full name for the

1 record, please.

2 A. Shane Michael Edgar.

3 Q. And what city do you reside in, Shane?

4 A. Carriere.

5 Q. And are you from Pearl River County?

6 A. I moved here in 2000, in between my  
7 sophomore and junior year.

8 Q. Okay. How old are you right now?

9 A. Thirty-eight.

10 Q. And did you graduate high school?

11 A. I did.

12 Q. Where did you go to high school?

13 A. Pearl River Central.

14 Q. Okay. And did you go to any college?

15 A. Sure did.

16 Q. And where did you go to college?

17 A. I got my associate's through PRCC, and I  
18 got my bachelor's from Southwestern Kansas.

19 Q. And what is that bachelor's degree in?

20 A. Criminal justice.

21 Q. And how long have you been in law  
22 enforcement?

23 A. Since 2005.

24 Q. And where did you begin your law  
25 enforcement career?

1           A.    I began here.  And I've been here the  
2   whole time.

3           Q.    And what type of training did you  
4   receive prior to or as a condition of your  
5   employment with Pearl River County?

6           A.    I've been through the basic law  
7   enforcement academy.  Man, if you want a whole  
8   list, we're going to be here a minute.  I've been  
9   through interview interrogation tactics.  I've  
10   been through SFST.  I've been through basic SWAT.  
11   I've been through high-risk warrant operations.  
12   I've been through, gosh, patrol's response to  
13   narcotics.  I've been through K9 certification,  
14   which is basic K9 certification.  I've been  
15   through -- I'm trying to think.  It's hard to come  
16   off the cuff with all the classes, but --

17          Q.    So needless to say, you've undergone and  
18   completed a lot of training?

19          A.    Yes, sir, I have.

20          Q.    Okay.  And are you required to, you  
21   know, do a certain amount of training hours every  
22   year or anything like that?

23          A.    No, sir.  That is not a State  
24   requirement.

25          Q.    Got you.  And when you began with Pearl

1 River County Sheriff's Department, what capacity  
2 were you employed? Were you a deputy?

3 A. I started in the jail.

4 Q. Okay. And just go through -- let's just  
5 say since 2015. Let's start in 2015. Do you  
6 recall what job was then?

7 A. 2015, I would have been a patrol  
8 supervisor as a sergeant. And then about  
9 three -- going on three years ago now I was  
10 promoted to captain as a patrol commander.

11 Q. So at the time of the incident that's  
12 the basis of Mr. Peterson's complaint, you were  
13 already a patrol commander?

14 A. I believe so.

15 Q. Did you review any materials before your  
16 deposition today?

17 A. No, sir.

18 Q. Did you speak to anybody in preparation  
19 for your deposition today?

20 A. I spoke to Lance, and I spoke to Ryan  
21 Stachura. Ryan Stachura has been coordinating  
22 dates and times for us to come here, so he's the  
23 one that's been telling us what's coming up.

24 Q. Okay. And we've kind of scheduled these  
25 things to where, you know, we're trying to do a



1 lot of depositions in a short amount of time. So  
2 I'm going to skip over a lot of the background  
3 stuff that we'd normally get into.

4 Do you recall the events of August 23rd,  
5 2019, at Mr. Peterson's residence?

6 A. Yes, sir.

7 Q. Okay. Let me ask you this: Did you  
8 know who Wallace Peterson was before then?

9 A. I had heard the name, but I didn't know  
10 him directly.

11 Q. Okay. When did you become involved in  
12 this investigation?

13 A. The morning of.

14 Q. The morning of the 23rd?

15 A. If that's the day it occurred, yes.

16 Q. Okay. Was there an operations plan in  
17 place for the execution of this warrant?

18 A. Yes, sir.

19 Q. And who put that plan together?

20 A. Ryan Stachura.

21 Q. And when did y'all go over that plan?

22 A. The morning of.

23 Q. The morning of the 23rd?

24 A. (Witness nodded affirmatively.)

25 Q. And who all was present for the

1 operations plan?

2 A. Oh, geez. Pretty much everyone that  
3 went there other than personnel that were -- I  
4 think they had a couple of people that were in the  
5 area, but I don't -- I mean, if you need a by-name  
6 roster, that's going to be -- I can tell you who I  
7 remember.

8 Q. Was Van there?

9 A. I don't remember directly.

10 Q. Was Sheriff Allison there?

11 A. I believe so.

12 Q. Was Rob there?

13 A. Yes.

14 Q. Was Officer Quave there?

15 A. See, I don't remember who was in the  
16 area. That's where I'm -- and there would have  
17 been two other narcotics officers. So I know Ryan  
18 was there, but I can't remember who else would  
19 have been on scene as far as narcotics officers  
20 are concerned. I remember they had some that were  
21 in the area in case the individual got mobile we  
22 could make a traffic stop on them.

23 Q. Where did this ops plan meeting take  
24 place?

25 A. Narcotics office.

1 Q. And where is that?

2 A. It's on grounds here.

3 Q. And do you recall what time it was?

4 A. No.

5 Q. If I told you that y'all arrived at  
6 Mr. Peterson's house shortly after 8:00 in the  
7 morning --

8 A. Then it would have been before that in  
9 the morning. I mean, it was an hour or two before  
10 we arrived.

11 Q. And before that -- well, let me ask you  
12 this: How did you know to be there that morning?

13 A. I was contacted and advised that we had  
14 a search warrant to conduct, and I believe I would  
15 have been contacted by Ryan Stachura.

16 Q. And the first time you were contacted  
17 about it was that morning?

18 A. Uh-huh.

19 Q. So you had no idea about this  
20 investigation until that morning?

21 A. I might have received a call the day  
22 before.

23 Q. Okay. Do you know who that call would  
24 have been from?

25 A. See, we're talking a while back. Our

1 information flow a lot of times comes from text  
2 message or calls. It would have either been from  
3 Ryan or Daniel Quave would have been probably the  
4 one that would have put it out.

5 Q. And when these text messages and calls  
6 come in, are they coming through personal cell  
7 phones or work cell phones?

8 A. Work.

9 Q. And are those messages and calls  
10 archived, the records of those?

11 A. I don't know.

12 Q. How many, we'll call it, search  
13 warrants -- residential search warrants in  
14 narcotics cases had you executed prior to the one  
15 in Mr. Peterson's case?

16 A. Ballpark?

17 Q. Just rough estimate.

18 A. I'd say probably over 100.

19 Q. Okay. And in each one of those, is it  
20 customary or is it procedure to have an operations  
21 plan where you meet to discuss how you're going to  
22 execute those things?

23 A. If time allows, yes.

24 Q. Outside of extenuating circumstances?

25 A. Yes.

1           Q.   And in this case, what was the general  
2   operations plan that Officer Stachura put in  
3   place?

4           A.   That we were going to meet up here, that  
5   we had some personnel that were already in the  
6   area. They described the residence, and then the  
7   plan was put together on the flow that was going  
8   to go out there as far as the general order of  
9   personnel. We identified personnel that were  
10   going to be on perimeter, personnel that were  
11   going to be on entry. Then we went through  
12   the -- the intent was to secure the residence and  
13   execute the search warrant.

14          Q.   Okay. And this order of personnel, who  
15   was going to be involved in the entry of this  
16   residence?

17          A.   Obviously myself, Shane Tucker, Tyler  
18   Tate.

19          Q.   Tyler Tate, is that what you said?

20          A.   Yes. Daniel Quave. Did I mention Shane  
21   Tucker?

22          Q.   You did.

23          A.   And Rob Williams. I believe that was  
24   going to be it.

25          Q.   Who's Tyler Tate?

1           A.    He's a sergeant on patrol.

2           Q.    Is he still employed here?

3           A.    He is.

4           Q.    And he was present that morning?

5           A.    He was.

6           Q.    All right.  When y'all left the  
7   narcotics office to begin going to Mr. Peterson's  
8   house, were y'all all in separate vehicles, or  
9   were some people riding together; do you recall?

10          A.    Yeah, there were some people -- most of  
11   the time we try to limit the amount of vehicles we  
12   take, but some people were by themselves.  Some  
13   people had multiple people.

14          Q.    Was there a K9 unit out there?

15          A.    Yes.

16          Q.    And do you know whose unit that might  
17   have been?

18          A.    I want to say David Bean.  I'm trying to  
19   remember if he came with us or if he came later  
20   for search capabilities.

21          Q.    And during this operations meeting, what  
22   did Mr. Stachura explain about the underlying  
23   facts and circumstances about the case or the  
24   investigation?

25          A.    From my recollection, he -- we talked

1 about that there was evidence of drug sales. And  
2 it was a narcotics search warrant, so we were  
3 going in. That's about what I remember about it.

4 Q. Did you see the warrant?

5 A. He had a packet of paper with him,  
6 but --

7 Q. So you're running point on this; right?  
8 You're going in first?

9 A. Yes.

10 Q. Normally would it be incumbent on the  
11 person running point or someone close by to have a  
12 copy of the warrant to give to the resident?

13 A. No.

14 Q. So y'all don't give copies of search  
15 warrants?

16 A. We're not going to have something in our  
17 hands that's going to keep our hands full when  
18 we're trying to execute a search warrant. That  
19 would be an officer safety issue. So that's  
20 why we -- it's brought with us, but that's not  
21 going to be the person that's on point. It's  
22 normally the people -- it's normally someone  
23 that's coming in directly --

24 Q. And during the operations plan, did  
25 Officer Stachura indicate any reason for there to

1 be concern about, you know, any history of  
2 violence or danger?

3 A. I remember the conversation was had  
4 about there are suspected weapons in the household  
5 and -- but I don't remember a whole bunch past  
6 that point.

7 Q. I'm assuming anytime you execute a  
8 warrant at a residence, you're going to suspect  
9 there might be a weapon in the house somewhere;  
10 right?

11 A. I suspect everyone has a weapon at all  
12 times.

13 Q. You didn't have any specific  
14 intelligence that Mr. Peterson was a danger, I  
15 guess is what I'm getting at?

16 A. I don't remember if he put anything out  
17 about that or not.

18 Q. Okay. Now, when y'all arrived at his  
19 residence, kind of walk me through exactly how  
20 everything went down from you getting out of the  
21 car, walking to the front door. Who were you  
22 with?

23 A. When we pulled up, I exited my vehicle.  
24 As we were coming around, I was on point as we  
25 were coming up to the front door. It's a



1 single-wide mobile home. As I was approaching the  
2 front door, we had someone there with breaching  
3 capabilities. And the door was unlocked, if I  
4 remember correctly. So we made it to the door,  
5 and upon getting to the door, we knocked, grabbed  
6 the door handle and entry.

7 Q. All right. And so y'all get to the  
8 door. You knock, notice the door's open and walk  
9 in. Is that, generally speaking, how it went  
10 down?

11 A. Generally speaking, that's correct.

12 Q. And when you walked in, Mr. Peterson was  
13 asleep on the couch?

14 A. He was laying on the couch, correct.

15 Q. Now, you walked in first?

16 A. That's correct.

17 Q. Was anybody standing directly behind you  
18 or to the side of you?

19 A. Yes.

20 Q. Who was that?

21 A. I believe Shane Tucker was directly  
22 behind me.

23 MR. HOLDER: Lance, the CLT Bates Stamps  
24 36 through 61, all the photos, I'm just going  
25 to introduce these in globo as Exhibit 2.

1 MR. MARTIN: No objection.

2 - - -

3 (Exhibit 2 was marked.)

4 BY MR. HOLDER:

5 Q. And how many of y'all were around the  
6 door at this point in time?

7 A. I couldn't give an accurate count on  
8 that, sir.

9 Q. Let me ask you this: Pursuant to the  
10 operations plan, where would Sheriff Allison and  
11 Ryan Stachura have been at that point in time?  
12 Were they guarding the perimeter?

13 A. They were in the rear of the stack of  
14 vehicles. So upon our arrival, when we made  
15 entry, they were -- to my knowledge, everything  
16 was secure and done by the time I first saw Ryan  
17 come into the house. And when we -- I don't know  
18 where they were, but they were not in the stack  
19 with us, if that makes sense. They were in the  
20 vehicle stack, but they were not in the stack  
21 going in the door.

22 Q. Do you know if they were inside their  
23 vehicles or outside their vehicles at that point  
24 in time?

25 A. At that time, I don't know.

1           Q.    But do you recall from the operations  
2    plan where they were supposed to be at that point  
3    in time?

4           A.    They were following up the rear.

5           Q.    Okay.  When you say "following up the  
6    rear," was that a single-file line or kind of  
7    wrapped around the house there?

8           A.    So his driveway, if I remember  
9    correctly, is toward the left side of his house.  
10   When we pulled in -- and we do these often enough  
11   that it's not necessarily a plan of you're going  
12   to park here, you're going to park here, you're  
13   going to park here all the time.  Due to driveways  
14   being different, people pulling up, we start  
15   parking.

16                    So, no, I can't tell you where the  
17   sheriff was parked.  I can't tell you if the  
18   sheriff was sitting in his car.  He rode with  
19   Ryan, I do remember that, but --

20           Q.    The sheriff and Ryan rode together?

21           A.    Correct.

22           Q.    What you're saying is when y'all went in  
23   the front door, they weren't in the vicinity of  
24   y'all?  They were somewhere outside, basically?

25           A.    That's correct.

1           Q.    Okay.  And when you breached the front  
2   door, all right, tell me what happens at that  
3   point.

4           A.    Upon breaching the front door, I was  
5   announcing myself as sheriff's department.  I said  
6   it multiple times as I was coming into the door  
7   and through the door.  I started in.  I noticed  
8   that there was a white male laying on the couch,  
9   which we later identified as Wally Peterson.

10               As I came in, he sat up, looked at me.  
11   We made eye contact.  I was making verbal  
12   commands, show me his hands and to get on the  
13   ground.  He looked at me.  He then -- I saw him  
14   look to the right.  As I was approaching, I was  
15   beginning to holster my sidearm as I was going to  
16   take him into custody, at which point he grabbed a  
17   wine bottle.  And when he grabbed the wine bottle  
18   with his right hand, he picked it up, spun it  
19   around as if to be used as a weapon.  The wine  
20   bottle was on a little table beside the couch.

21           Q.    Like a coffee table?

22           A.    Yes.

23           Q.    Was this on the coffee table between the  
24   front door and the couch?

25           A.    It was kind of toward the right of him.

1 So when he sat up, he reached to his right. And  
2 he was laying with his head to the left when I  
3 came in the door.

4 Q. And when you came through the door, did  
5 you have your firearm drawn?

6 A. I did.

7 Q. And what kind of gun was what?

8 A. That would have been a GLOCK 34.

9 Q. Can you explain what that looks like?

10 A. It is a black pistol, semi-auto.

11 Q. Was anybody carrying a rifle or a  
12 shotgun-type weapon?

13 A. It wouldn't surprise me, but I don't --

14 Q. Do you know where Tyler Tate was during  
15 the entry? Was he with you in your little group  
16 right there?

17 A. Uh-huh.

18 Q. So he was involved in the entry with  
19 y'all?

20 A. But he was further back in the stack,  
21 yes.

22 Q. Let me ask you this: About how long did  
23 it take from the time you walked in the door until  
24 the time you got Mr. Peterson handcuffed?

25 A. It was a pretty short amount of time.

1           Q.    We talking, like, five seconds, ten  
2   seconds?

3           A.    Before I made contact with him, or  
4   before he was in custody?

5           Q.    Once you got inside the residence.

6           A.    I understand. I'm asking before I made  
7   contact, or before he was in custody?

8           Q.    From the time you walked in his front  
9   door until the time he was in handcuffs.

10          A.    I would say probably 10, 15 seconds.  
11   Well, actually, that might be a little short.

12                   It's hard to judge time on that. I know  
13   that when I came in, it would have probably taken  
14   me five seconds to get across the room and make  
15   contact with him. And then whenever he was placed  
16   on the ground, he was trying to pull his hands  
17   underneath him, and it took me a couple of seconds  
18   to get his hands back around his back.

19                   So, you know, 20 seconds or so,  
20   somewhere in that ballpark.

21          Q.    Did you notice that he was bleeding?

22          A.    Once we got him up, yes.

23          Q.    And do you know how he was cut?

24          A.    I do not.

25          Q.    And when you say you took him to the

1 ground, explain to me exactly how that happened.

2 A. When I came in, as I said, he was laying  
3 there. He had grabbed the wine bottle. I grabbed  
4 his other arm and pulled him off the couch to take  
5 him to the ground so that he, one, couldn't  
6 utilize a weapon; two, so that he would be -- I  
7 could get him in handcuffs. So it would have been  
8 basically a left arm, straight arm bar takedown.

9 Q. And who would have been in the position  
10 to observe everything that happened up to that  
11 point?

12 A. Shane Tucker.

13 Q. Just you and Shane Tucker?

14 A. I don't want to say just Shane Tucker,  
15 but I think with him being behind me -- directly  
16 behind me, he would have had the best view.

17 MR. HOLDER: Okay. We're going to mark  
18 the interrogatory responses from the County,  
19 Lance, as Exhibit 3 and the investigative  
20 report as Exhibit 4.

21 - - -

22 (Exhibits 3 and 4 were marked.)

23 BY MR. HOLDER:

24 Q. Did anybody else participate in the  
25 takedown and putting Mr. Peterson in handcuffs, or

1 was it only you?

2 A. I got him in the handcuffs. Tyler Tate,  
3 I believe, was the one that assisted with the pat  
4 down. So once I got the hands secured, he did the  
5 pat down and checked for weapons.

6 Q. And was he immediately transferred  
7 outside?

8 A. It was pretty quick.

9 Q. Okay. And do you recall what he was  
10 wearing?

11 A. No, sir.

12 Q. If I told you he was just in his  
13 underwear and shoes, would you agree with that?

14 A. I couldn't agree or disagree. Like I  
15 said, I absolutely don't remember what he was  
16 wearing.

17 Q. Did you stay inside after he was taken  
18 outside?

19 A. We took him outside. He was handed off.

20 Q. Do you recall who you handed him off to?

21 A. Ryan Stachura was out there, and we took  
22 him out there. We were still in the process of  
23 doing our secondary sweep, which is our  
24 standard --

25 Q. Making sure there's nobody in there with



1 guns or something?

2 A. Making sure, yeah, there's not someone  
3 hiding under a couch, hiding in a closet,  
4 something like that.

5 Q. And the same people that were involved  
6 in the entry were involved in the secondary sweep?

7 A. That is correct.

8 Q. All right. And then at some point in  
9 time did Sheriff Allison and Ryan Stachura enter  
10 the residence, as well?

11 A. Oh, I'm sure.

12 Q. At some point in time, did everybody  
13 enter the residence; do you know?

14 A. I can't tell you where everyone went.

15 Q. Okay. Were you in there when the search  
16 of the residence was taking place?

17 A. Part of it, yes.

18 Q. Okay. And when did you leave?

19 A. I was in and out of the residence a time  
20 or two, just walked out to -- once we secured  
21 everything, did our secondary sweep, I mean, stuff  
22 like walking out to my vehicle, taking my vest  
23 off, putting my vest in the car and stepping back  
24 in.

25 The primary individuals doing the search

1 is normally narcotics. We will assist, but they  
2 had narcotics officers in there searching, but we  
3 spent time -- I spent time inside and out.

4 Q. Do you know Jeffrey Horner?

5 A. Yes.

6 Q. Was he there?

7 A. I believe so.

8 Q. Nathan Davis?

9 A. Yes.

10 Q. Also there?

11 A. Yes, he was.

12 Q. Any of those two involved in the initial  
13 entry?

14 A. I believe both of them were on  
15 perimeter.

16 Q. Terrence Tucker?

17 A. That would be Shane Tucker.

18 Q. And what about Van Giadrosich? Was he  
19 involved in the entry or perimeter or some other  
20 responsibility?

21 A. Honestly, I don't know. I don't know  
22 where he was. I remember seeing him that day, but  
23 I don't even remember what he was doing.

24 Q. Now, when you say -- Mr. Peterson was  
25 placed in custody; is that right?

1           A.     Correct.

2           Q.     Was he under arrest?

3           A.     At that point, yes.

4           Q.     And what was he under arrest for?

5           A.     For my aspect of it, it would have  
6     been -- at the very minimum, I would have charged  
7     him with resisting arrest; but he was handed over  
8     to Ryan Stachura at that point.

9           Q.     But what would he be resisting arrest  
10    for? This was a search warrant; right?

11          A.     Uh-huh.

12          Q.     Okay. What was he resisting arrest for?  
13    He wasn't charged with anything at that point in  
14    time, was he?

15          A.     Because he was being disorderly when I  
16    told him to show me his hands and he grabbed for a  
17    weapon.

18          Q.     Okay. But that's not resisting arrest  
19    because he's not under arrest at that point in  
20    time; right?

21          A.     When I'm placing him under arrest for  
22    disorderly conduct, yes, it would be.

23          Q.     You said once you placed him under  
24    arrest, he was no longer resisting. So I'm just  
25    trying to figure out what he was being placed in

1 custody or arrested for. I understand that y'all  
2 have to secure the premises when you're executing  
3 the search warrant. I keep hearing that he was  
4 placed in custody, and I keep trying to figure out  
5 what he was under arrest for.

6 A. Well, when you grab a weapon whenever  
7 you're being told not to, then I'm going to place  
8 you in custody.

9 Q. Let me ask you this: Who was involved  
10 in taking all of these photographs; do you know?

11 A. I believe that would have been Ryan  
12 Stachura.

13 Q. Okay. You didn't take any of these?

14 A. No, sir.

15 Q. I'm going to hand you what's marked as  
16 Exhibit 2 and just have you go through these and  
17 tell me if you recognize a lot of that stuff. The  
18 first picture, that's Mr. Peterson; right?

19 A. Uh-huh.

20 THE COURT REPORTER: Is that "yes"?

21 THE WITNESS: Yes. I'm sorry.

22 Some of these are familiar. Some of  
23 them, like I said, I don't -- I didn't take  
24 all the pictures, so obviously some of the  
25 stuff that he took pictures of I necessarily

1           didn't see.

2       BY MR. HOLDER:

3           Q.    All right. Do you see these -- on the  
4       second and third -- the two pages after the  
5       picture of Mr. Peterson up front, do you see these  
6       Cool Blue wine bottles? Do you recall those being  
7       in the top of the kitchen cabinet?

8           A.    No, I don't.

9           Q.    Okay. Do you recall what the wine  
10      bottle looked like that he allegedly picked up?

11          A.    It was dark in color, but I don't  
12      remember much else from it.

13          Q.    Do you remember if it was empty?

14          A.    I don't.

15          Q.    Can you show me in these pictures a  
16      picture of it?

17          A.    No, I cannot. At least I didn't see it  
18      unless it's one of those that are sitting there,  
19      but I don't --

20          Q.    I mean, would you agree that it would be  
21      important to take a picture of the "perceived  
22      weapon" that he was threatening y'all with?

23          A.    Probably, yes.

24          Q.    Was there any body cameras being worn?

25          A.    I wasn't wearing one.

1 Q. Does the County have body cameras?

2 A. They do.

3 Q. I mean, does everybody have them?

4 A. Especially during that time, a lot of  
5 people didn't because we were in the process -- I  
6 say "a lot." Some people didn't have them because  
7 we were rotating through ordering some. We had  
8 some that were broken. And they are expensive  
9 items, so there are times that we're short on body  
10 cams; which I go without one quite a bit because I  
11 hand mine off to patrol officers who do patrol  
12 activities every day.

13 Q. Do you know out of the seven or eight,  
14 nine officers that were there, whether all of  
15 theirs were broken?

16 A. I would imagine not.

17 Q. Is there any reason, to the best of your  
18 knowledge, why nobody was wearing theirs or had  
19 them activated?

20 A. It's not required for us to wear them on  
21 SWAT operations.

22 Q. Why is that?

23 A. Well, one of the reasons is the nature  
24 of what we're doing. We go over fences, and they  
25 get tore up and broke, and they're expensive; but

1 it's not a requirement.

2 Q. What about when executing a search  
3 warrant when you know you're likely to be in  
4 contact with a member of the public or a suspect  
5 or something like that? Are y'all required to  
6 wear them then?

7 A. (Witness nodded negatively.)

8 Q. Are y'all ever required to wear them?

9 A. Patrol is required to wear them. It's  
10 primarily a patrol tool.

11 Q. Were there any patrol officers out  
12 there?

13 A. There were. But they were not acting in  
14 a patrol capacity, the ones that went in on the  
15 entry.

16 Q. What patrol officers were out there?

17 A. Nate Davis, I believe David Bean, Tyler  
18 Tate, myself. That's all I can think of off the  
19 top of my head.

20 Q. Who was Nate Davis?

21 A. Corporal Davis.

22 Q. I'm going to hand you what's been marked  
23 as Exhibit 3. This is the County's responses to  
24 interrogatories. I'll ask you to turn to the  
25 response to Question 21. I think it's the last

1 response in there.

2 It's Response Number 24, I'm sorry, on  
3 Page 21. And do you see the last paragraph  
4 beginning with "without waiving any objections"?  
5 Do you see where I'm at on Page 21?

6 A. Yes, sir.

7 Q. Okay. And it says that you participated  
8 in answering these interrogatories. Do you see  
9 that?

10 A. Uh-huh.

11 Q. And do you recall doing that?

12 A. All right. What do you mean by  
13 "interrogatories"?

14 Q. These are written questions that are  
15 propounded by a party to another party in  
16 discovery.

17 A. Yes, sir.

18 Q. And they're required to be signed under  
19 oath. In this case, I believe it was Officer  
20 Stachura that signed, but it says that you and  
21 Officer Stachura and Sheriff Allison all  
22 participated in answering them.

23 Do you recall having discussions about,  
24 you know, any of these questions?

25 A. I'd have to go through the questions,



1 but I've had conversation about it, yes.

2 Q. And were y'all all having these  
3 conversations together, or was it something that,  
4 you know, was -- I'm not asking the context of any  
5 discussions between you and Lance, but do you  
6 recall whether or not this was, like, a meeting  
7 y'all had together, or was it individually or  
8 what?

9 A. I know that I have spoken with the  
10 sheriff and Ryan at the same time about this. I  
11 don't remember exactly when this came about.

12 Q. All right. Let me get to this. After  
13 everything happened, okay -- I mean, obviously  
14 just generally speaking, if you're running point  
15 in an operation, are you required to do a report  
16 if there's any use of force or anything like that?

17 A. No, sir.

18 Q. Is it, generally speaking, just the lead  
19 investigator, lead officer that's required to  
20 write the report?

21 A. (Witness nodded affirmatively.)

22 Q. So subsequent to this, who did you speak  
23 with about this incident that day?

24 A. Well, I spoke to Ryan Stachura about the  
25 incident. I mean, on scene multiple people spoke

1 to each other. Everyone that was on scene spoke  
2 to each other at one point or another about the  
3 situation, I'm sure.

4 Q. And your testimony is that you just  
5 basically grabbed Wallace and took him to the  
6 ground or led him to the ground by his hand and  
7 cuffed him; right?

8 A. There was a little bit of a struggle  
9 where he was trying to keep his hands behind  
10 him -- I mean, underneath him, like he was trying  
11 to pull his hands forward, but that's -- in a  
12 nutshell, yes.

13 Q. Did you ever strike him?

14 A. No, sir.

15 Q. Okay. And you spoke to Ryan. And when  
16 you spoke to Ryan -- obviously Ryan is doing the  
17 report -- was this at the scene, or was this in a  
18 briefing later on here or what?

19 A. I know I spoke to him at the scene.

20 Q. Okay. Because Ryan couldn't see all of  
21 this going on; right?

22 A. Correct.

23 Q. But Shane Tucker could; is that correct?

24 A. That's correct.

25 Q. All right. I'm going to hand you what's

1     been marked as Exhibit 4. This is the Narcotics  
2     Investigative Report. And I'm going to ask you to  
3     read the -- you can just take your time and read  
4     Paragraph 27. Would you agree that it says there  
5     that Wallace was struck by a SWAT deputy?

6             A. Yes, sir.

7             Q. And do you have any idea where that  
8     information could have come from?

9             A. It might have been a description on the  
10    takedown. Because I did grab him -- I did grab  
11    him pretty hard to take him to the ground because  
12    he had a weapon.

13            Q. He uses the word "struck" and then uses  
14    the word "placed" on the ground to be handcuffed.

15                    So did you ever tell Ryan that you  
16    struck him?

17            A. No, sir. I don't remember that I said  
18    that, no.

19            Q. Did you see Wallace after he was taken  
20    outside?

21            A. Yes, sir.

22            Q. And where was he when he was outside?

23            A. I saw him in a patrol car, standing  
24    beside it another time.

25            Q. Did you ever see him in the back of a K9

1 unit?

2 A. It might have been the K9 unit.

3 Q. Could you see that he was still bleeding  
4 when you saw him?

5 A. By the time I got back out, it looked  
6 like it had quit bleeding.

7 Q. Do you know if anybody ever offered him  
8 any medical treatment or anything?

9 A. That would have been done when I was  
10 inside.

11 Q. So you don't know whether anybody did or  
12 not?

13 A. I don't recollect. I don't remember.

14 Q. And if you don't know, you don't know.

15 A. Yeah, that's what I'm saying, I don't.

16 Q. I'm not trying to trick you here.

17 A. No. No, I know. Like I said, I --

18 Q. Let me ask you this: At this point in  
19 time, you and Officer Stachura, y'all worked  
20 together; right?

21 A. Uh-huh.

22 Q. Did y'all handle a lot of cases  
23 together?

24 A. Uh-huh.

25 Q. You know, discuss a lot of cases

1 together that y'all might not have been working  
2 directly on together?

3 A. We've discussed cases, yes.

4 Q. And up until the morning of this  
5 incident, you know, this is the first time you  
6 really kind of knew who Wallace Peterson was,  
7 basically?

8 A. Like I said, I knew the name, but I  
9 didn't know him directly.

10 Q. If there had been a methamphetamine  
11 investigation ongoing for three years, would that  
12 have been kind of very rare for you not to know  
13 about it?

14 A. It would be very rare for me to know  
15 about it.

16 Q. Okay. Even if it's, you know, somebody  
17 that you work with all the time?

18 A. That's not how narcotics investigations  
19 work. If they're working something, then  
20 oftentimes it's a need-to-know situation. If  
21 there's no reason for me to need to know, then he  
22 wouldn't have told me about it regardless of how  
23 long he worked it.

24 Q. He wouldn't ask you maybe, hey, do you  
25 know Wallace Peterson, ever heard of any, you

1 know, rumors of him dealing meth or anything like  
2 that?

3 A. He might have, but I don't remember him  
4 doing that.

5 Q. How many narcotics investigations have  
6 you been involved in?

7 A. Direct or indirect or both?

8 Q. Both.

9 A. Hundreds.

10 Q. Okay. I mean, usually over the course  
11 of three years, would you agree that, you know,  
12 you're going to try to set up some type of  
13 controlled-buy situation?

14 A. Yeah, normally.

15 Q. Now, do you recall there being some type  
16 of whiskey or moonshine, whatever the hell you  
17 want to call it, in these mason jars in there?  
18 Whether you saw it or not, did you know it was  
19 there?

20 A. Yes.

21 Q. Okay. Do you recall ever seeing anybody  
22 pouring that stuff out?

23 A. No, sir, I don't recall that.

24 Q. Did anybody there have a camera with  
25 them that you know of?

1           A.    Obviously someone took pictures, which  
2    Ryan did.

3           Q.    Well, that was probably a bad question.  
4    A video camera?

5           A.    That, I don't know.

6           Q.    Okay. Do you recall if Officer Quave  
7    had a video camera with him?

8           A.    I don't remember if anyone did.

9           Q.    Okay. And the reason I'm asking you is  
10   because in the investigative report, there's a  
11   snippet where it was being videoed as he was  
12   pouring out this whiskey. And there was never any  
13   video produced, so I didn't know if you had seen  
14   this happen or not.

15          A.    (Witness nodded negatively.)

16          Q.    No?

17          A.    If I did, I don't remember it. But the  
18   amount of illegal alcohol I've poured out in my  
19   career or had people to pour out, that's not  
20   something that would stick out, honestly.

21          Q.    See, where we're from, illegal and  
22   alcohol usually don't go together.

23          A.    Where are you from?

24          Q.    Harrison County. You know, as long as  
25   you're 21, it's pretty much all legal.

1           A.     Right.

2           Q.     I know it's different here.

3                    Anyway, so you didn't see Officer Quave  
4     filming Ryan or anyone else pouring this stuff  
5     out?

6           A.     I don't remember.

7           Q.     I'm assuming if that happened, that  
8     would have happened outside?

9           A.     It could have been inside or outside.

10          Q.     Okay. Is it uncommon for somebody to  
11     use their Smartphone to film something like that?

12          A.     No.

13          Q.     Would Officer Quave have had a body  
14     camera?

15          A.     I don't know. Possibly.

16          Q.     During the ops plan, did Ryan ever  
17     discuss with you that he was seeking a no-knock  
18     warrant?

19          A.     I don't remember.

20          Q.     Was it your understanding whether this  
21     was or was not a no-knock warrant?

22          A.     I don't remember if he -- I don't  
23     remember that. I know it would have been in the  
24     brief, but --

25          Q.     Now I'm going to ask a couple of



1 personal questions here. Don't think anything of  
2 it. I've got to ask.

3 Were you taking any prescription  
4 medication at this point in time?

5 A. Nope.

6 Q. Suffering from any depression, anxiety  
7 or anything like that?

8 A. No.

9 Q. Under any doctor's care?

10 A. No.

11 Q. Any counseling or therapy or anything  
12 like that, mental health treatment?

13 A. No.

14 Q. And it's your understanding that you  
15 interviewed with Officer Stachura at some point  
16 after the incident; right?

17 A. Yes.

18 Q. And did he ever follow up with you on  
19 that, or was it just that day kind of thing; do  
20 you recall?

21 A. All I remember is that day.

22 Q. And it was at the scene; it wasn't here?

23 A. Yes.

24 Q. Okay.

25 A. And like I said, I don't

1 remember -- that's just one of those -- if he  
2 spoke to me, like, later on about it.

3 Q. Do you remember if anybody was present  
4 when you talked to him?

5 A. No. No, I don't remember.

6 MR. HOLDER: Let's go off the record for  
7 just, like, two minutes.

8 (Off the record.)

9 BY MR. HOLDER:

10 Q. All right, Officer Edgar. I know we've  
11 kind of gone over this in detail, but I just want  
12 to make sure that I've got this right.

13 Insofar as who saw Wallace being taken  
14 to the ground, to the best of your understanding,  
15 the only people that could see it necessarily were  
16 you and Shane Tucker and possibly Tyler Tate?

17 A. Yes.

18 Q. And do you recall who rode to and from  
19 the scene together? I know you know that Stachura  
20 and Allison rode together. Do you recall who you  
21 rode with?

22 A. No.

23 Q. Do you recall who anybody else might  
24 have ridden with or together with?

25 A. No.

1           Q.    Okay. Do you recall what kind of  
2   firearms that Officer Tucker and Officer Tate were  
3   carrying that day?

4           A.    No.

5           Q.    Do you recall if they were drawn as  
6   y'all walked in, their firearms?

7           A.    Oh, they would have been. I mean, I  
8   can't -- yeah, I would go ahead and say yes.

9           Q.    Would any of them have had a taser drawn  
10   rather than a firearm?

11          A.    No.

12          Q.    Okay. Again, it's your testimony you  
13   don't know how the injuries to Mr. Peterson's face  
14   occurred, but you did observe blood after he was  
15   handcuffed?

16          A.    Uh-huh. Yes, sir.

17                Sorry. Stenographers get on to me. I  
18   have a tendency of nodding my head and uh-huhs.

19          Q.    It's human nature. We all do it. I  
20   didn't even pick up on that one.

21          A.    I caught it myself, actually. I knew it  
22   was coming.

23                MR. HOLDER: That's all I have for now,  
24   Lance.

25                (Discussion off the record.)

1

- - -

2

EXAMINATION

3

BY MR. MARTIN:

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7

8

Q. All right. I'm just going to step through this. You know, Morgan asked some really good questions. I'm going to do my best to kind of clarify and get a better understanding of everything that went on.

9

10

11

12

Earlier you mentioned that yourself, Shane Tucker, Daniel Quave, Rob Williams and Tyler Tate were grouped together entering Mr. Peterson's home; is that correct?

13

14

15

A. Yes, sir.

Q. What do you call that, that grouping?

A. A stack.

16

17

18

Q. Okay. And are there any procedures or protocols that that stack is to follow when executing a warrant?

19

20

21

22

23

24

25

A. Yes. We go through a lot of training for it, especially with the SWAT team. And traditionally when you go in, someone goes left, someone goes right, someone takes contact. And when I say "takes contact," it's not always get shot, but someone -- you know, someone is going hands-on or dealing with something. In this

1 situation, since I was dealing with that  
2 situation, then whoever's behind me, we would have  
3 tried to keep pushing in to secure the rest of the  
4 house.

5 Q. Okay. When they push to secure, is that  
6 an immediate moment or is there a delay?

7 A. It's as immediate as possible.

8 Q. Okay.

9 A. Because a door -- we call a door a fatal  
10 funnel. So we try and get through the door as  
11 quick as possible, and then we start pushing into  
12 the rest of the house. Because the sooner we can  
13 get it secured, the sooner that we are making it  
14 safe for everybody involved.

15 Q. Okay. And what was the time span  
16 earlier that you mentioned that it took you to  
17 enter the door?

18 A. Enter the door?

19 Q. Yeah.

20 A. Oh, it would have been seconds.

21 Q. Okay. And then to get to Mr. Peterson?

22 A. I'm really guessing about 10 seconds or  
23 better, somewhere in that ballpark.

24 Q. Okay. I don't want this to seem funny,  
25 but it will be a little. Do you have eyes in the

1 back of your head?

2 A. I do not.

3 Q. So can you state with 100 percent  
4 accuracy what people behind you were doing?

5 A. Oh, absolutely not.

6 Q. Okay. When you enter into a residence  
7 where there are possibly unknown parties inside,  
8 do you treat that casually?

9 A. Oh, absolutely not.

10 Q. How would you treat a situation like  
11 that?

12 A. As dynamic as possible.

13 Q. And what do you mean by that?

14 A. That the quicker we can get in there and  
15 get control of everything, the less opportunity  
16 that people have to go for and act on weapons, run  
17 or try and plan an attack on us or anything like  
18 that.

19 Q. Would you describe that as a possibly  
20 high-stress situation?

21 A. Yes, sir.

22 Q. Why?

23 A. Well, because anytime that you go into a  
24 house, there's a possibility of someone  
25 that -- you're going in the house because you

1 suspect illegal activity. So when you go in  
2 there, there's a possibility that you're going to  
3 end up having someone that fights, someone with a  
4 weapon, without a weapon, someone to run, you  
5 know, so on and so forth. But we train for that  
6 for a reason, to keep the stress to a minimum.

7 Q. Tell me about your training. You've  
8 listed some extensive training. We've heard the  
9 word "SWAT" several times today.

10 Where did your SWAT training take place?

11 A. We had a company, ALS, that came out  
12 of -- I believe they're out of Arkansas. They  
13 came down, and the training was conducted in Pearl  
14 River County. So they brought a team down to  
15 conduct our training.

16 Q. And how long did that take, that  
17 training?

18 A. That was a five-day training course, 24  
19 hours a day for five days.

20 Q. Okay. Did you receive any kind of  
21 certificate for completing that?

22 A. Yes, sir.

23 Q. And when was that?

24 A. Oh, I'm getting old. Eleven, twelve  
25 years.

1 Q. Okay. And would you say that you have  
2 used the techniques and tactics that you learned  
3 in that SWAT training throughout the past 11, 12  
4 years?

5           A.    Yes, sir.  Now, things do change over  
6   time, obviously.

7 Q. Sure.

8           A.     But, yes, the basic SWAT training that  
9     we received we still conduct.

10 Q. And I know that you said you've been  
11 involved in hundreds of investigations. If you  
12 can ballpark how many times a year you use your  
13 SWAT training.

14           A.    Okay.  Can I ask for some clarification  
15   on that?

16 Q. Sure.

17           A.     Because I use my SWAT -- the training I  
18     received in SWAT, every time that I have to clear  
19     a house, every time that I go in approaching a  
20     house, especially a high-risk-type house, I use  
21     that training, I would say, close to, you know, a  
22     weekly, biweekly basis at a minimum.

23 Q. And that's sufficient. That kind of got  
24 where I was going.

25 During this training, do they train you



1 to have your weapons drawn when you enter a home?

2 A. Oh, absolutely.

3 Q. Why?

4 A. Because you're potentially going to be  
5 assessing a threat as soon as you go through.

6 Q. Okay. When it comes down to assessing  
7 threats, have you ever done any specific training  
8 with threat assessment?

9 A. On a, like, operational level or on an  
10 operator level as in --

11 Q. Either/or.

12 A. Yes, both.

13 Q. You enter into a place and you see a  
14 person. Let's say they're unarmed, armed, level  
15 of armament. Have you ever seen any training on  
16 how to assess those things?

17 A. Oh, absolutely.

18 Q. Tell me about that.

19 A. Specifically for that, we do SWAT  
20 training monthly. We do eight hours of SWAT  
21 training. So we do a lot of shoot-house-type  
22 stuff. We use sim guns for sim gun training.  
23 Sometimes with the sim gun training we use targets  
24 that are shoot, no-shoot targets. And it's a  
25 literal picture of somebody that you can come in

1 and there will be one picture they're holding a  
2 weapon, another picture they're holding a baby,  
3 another picture they're holding a badge, so on and  
4 so forth. We do those quite often.

5 I've been through high-risk warrant  
6 operation training that they go through the  
7 operational level risk assessment. I also bring a  
8 lot of my risk assessment training from the  
9 military, as well, because we do training in the  
10 military to do the same thing, both operator level  
11 and operations level, so yeah.

12 Does that answer your question?

13 Q. It does. And about how long do you have  
14 to make these decisions?

15 A. Oh, a split second.

16 Q. Okay. Are there ever any times when the  
17 threat that you assess requires the use of force?

18 A. Absolutely.

19 Q. And have you ever received any excessive  
20 force training?

21 A. I have.

22 Q. All right. Would you tell me a little  
23 bit about your excessive force training?

24 A. All the way back when I went to the  
25 academy, there's classes I've gone through with

1 that. Specifically that, when I went through  
2 first-line supervisor leadership -- it's been a  
3 few years back -- they went into excessive force  
4 training. We do excessive force training within  
5 the department, because we do interdepartmental  
6 training pretty regularly, as well. That's one of  
7 the things that we go through, also.

8 Q. Are there any kind of guidelines that  
9 you can apply to your assessment that lets you  
10 know how much force you should use for a  
11 particular situation?

12 A. Yes, sir.

13 Q. What is that?

14 A. They call it the ladder of force  
15 continuum, or the ladder of force. Basically if  
16 they step up a level, you step up a level to where  
17 you can take someone into -- does that make sense,  
18 or do you need more?

19 Q. No. I think I've got it. Keep going.  
20 You're good.

21 A. So if you go into a situation and  
22 someone's being non-combative but they're not  
23 listening, then you can step up and go soft-handed  
24 to put them in the handcuffs. If someone is being  
25 combative, then you can -- so basically if

1 someone's trying to swing on you, then you  
2 transition over to a secondary weapon. If someone  
3 grabs a weapon that would potentially be lethal,  
4 then that authorizes use of lethal force or  
5 whatever level that you need to.

6 Q. Okay. Was lethal force used here?

7 A. No.

8 Q. In your assessment of Mr. Wallace  
9 holding a -- or allegedly holding -- by your  
10 testimony holding a wine bottle, what did what you  
11 saw -- how did that factor into your assessment of  
12 how to deal with Mr. Peterson?

13 A. Oh, he was obviously holding that in an  
14 aggressive manner as if he was going to use it as  
15 a weapon, something that I've seen. Beer bottles  
16 and wine bottles are a pretty serious weapon.

17 Q. Okay. And what did you do in response  
18 to that threat?

19 A. Since I was as close as I was, I went  
20 ahead and took him -- I grabbed ahold of him and  
21 did a straight arm-bar taking him to the ground  
22 and then got ahold of the other hand. And in the  
23 process of doing that, he let go of the bottle.

24 Q. Okay. What is a straight arm-bar?

25 A. Basically where you grab them right

1 around the wrist, and then you place them on the  
2 ground grabbing them about their triceps area.  
3 And it's a control tactic to put them on the  
4 ground.

5 Q. And which hand or arm of Mr. Peterson's  
6 do you recall grabbing?

7 A. Left.

8 Q. Which hand did you grab Mr. Peterson's  
9 left arm with?

10 A. Well, I would have grabbed with my left  
11 to take him down and pushed with my right.

12 Q. So you grabbed his left hand with your  
13 left hand. You placed your right hand on his left  
14 shoulder?

15 A. Yes, sir.

16 Q. And then take him to the ground. Okay.  
17 Which direction would you have pushed Mr. Peterson  
18 as you were doing that?

19 A. I guess toward the left of my body.

20 Q. Okay. And was that one continuous  
21 movement?

22 A. He was struggling a little bit, but it  
23 was pretty continuous.

24 Q. Can you put a time stamp ballpark on  
25 that?

1           A.    I know why y'all ask, but it's hard for  
2   me to.  It's hard to time that.

3           Q.    Sure.

4           A.    I'd say a matter of seconds.

5           Q.    Right.  And once you and Mr. Peterson  
6   reached the ground, what was your body position at  
7   that point in time?

8           A.    I was over the top of him, had his left  
9   hand pulled back.  He was still struggling, trying  
10   to get both of his hands forward, but I was able  
11   to get his right hand and get it pulled up out  
12   from underneath his body.

13          Q.    Okay.  And once you pulled his hands  
14   back, what did you do?

15          A.    I was able to place him into handcuffs.

16          Q.    Okay.  After placing him in handcuffs,  
17   what was your next action?

18          A.    Next action was I confirmed looking  
19   around that we had people pushed in both  
20   directions, cleared the rest of the house and that  
21   the immediate area was secured.  Officer Tate --  
22   or Deputy Tate -- I guess Sergeant Tate --  
23   sorry -- Sergeant Tate performed a pat down to  
24   ensure he didn't have any weapons.  And then after  
25   this, we looked at getting him picked up and

1 brought out of the house.

2 Q. When the pat down took place, was he  
3 standing? Was Mr. Peterson standing, or was he  
4 still on the ground?

5 A. Still on the ground, I believe.

6 Q. Okay. And while you were arm barring  
7 and handcuffing Mr. Peterson, do you recall  
8 Sheriff Allison being in the trailer?

9 A. I do not.

10 Q. When Tate was patting Mr. Peterson down,  
11 do you recall whether or not the sheriff was in  
12 the trailer?

13 A. No, sir. The first time I remember  
14 seeing the sheriff, once we had Mr. Peterson in  
15 custody, was when we walked outside, and he was  
16 standing outside the residence.

17 Q. When you say you saw him standing  
18 outside, where did you see him?

19 A. Over toward the vehicles, which would  
20 have been, I guess, toward the north end of the  
21 trailer, where the vehicles were, coming up that  
22 direction.

23 Q. Estimated amount of feet, five, ten,  
24 fifteen, twenty?

25 A. From the door?

1 Q. Yeah.

2 A. Thirty to fifty.

3 Q. Okay. Did you hit Mr. Peterson with  
4 your firearm?

5 A. I did not.

6 Q. Okay. Earlier you said that you knocked  
7 and announced, you entered the residence and you  
8 holstered your weapon.

9 A. As I was approaching and I was getting  
10 on top of him, then I holstered to go hands-on.

11 Q. Why would you holster your weapon?

12 A. Because at that point I felt that I  
13 could get control of him and take him to the  
14 ground and it would be safer to do that without  
15 having my sidearm out.

16 Q. Have you ever managed a person in  
17 effectuating an arrest with your sidearm in-hand?  
18 Does that make sense?

19 A. Yes, I get what you're saying. I'm just  
20 trying to figure out how -- yes, I've had a  
21 sidearm in my hand when I've grabbed ahold of  
22 people before. But if we're saying to effectuate  
23 the arrest and we're placing handcuffs on them,  
24 then I would say no.

25 Q. And why not?



1           A.     Because you need two hands to be able to  
2     keep control of them and operate handcuffs; which  
3     I handcuff with my right hand, which I also hold  
4     my sidearm with. So it would be hard for me to do  
5     both.

6           Q.     Right. To your knowledge and  
7     experience, did Mr. Peterson's situation require  
8     that you continue to hold your firearm?

9           A.     No. At which point that I grabbed ahold  
10    of him, I transitioned over and felt that I could  
11    control the situation and get the bottle without.  
12    So I felt at that point that it was a matter of  
13    getting him to the ground, not a matter of  
14    utilizing my firearm.

15          Q.     When you trained in the service academy,  
16    which academy did you go to?

17          A.     SRPSI, Southern Regional Public Safety  
18    Institute.

19          Q.     Where is that located?

20          A.     It is at Camp Shelby, Mississippi.

21          Q.     How long did that last?

22          A.     Ten weeks back then, I believe.

23          Q.     If you were to place the situation we're  
24    looking at here where Mr. Peterson grabbed a wine  
25    bottle -- if you put that on the force continuum,

1     what level of force would the force continuum  
2     allow you to use in stopping that threat?

3           A.     Deadly force.  If someone has a weapon  
4     that they could used to cause death, then you  
5     could react with deadly force.

6           Q.     Okay.  But, again, you didn't have to  
7     use -- you didn't use deadly force here?

8           A.     No, sir.

9           Q.     Earlier Mr. Holder showed you a  
10    photo -- or a stack of photos, and the first one  
11    is Mr. Peterson.  Do you still have those photos  
12    near you?

13          A.     Yes, sir, I have the photos in front of  
14    me.

15          Q.     Okay.  And that first photo that you  
16    identified, that's Mr. Peterson; correct?

17          A.     Yes, sir.

18          Q.     All right.  And would you just describe,  
19    the best that you can tell -- this is a black and  
20    white photo -- where you see blood on  
21    Mr. Peterson's face?

22          A.     Appears to be his right nostril and by  
23    the side of his lip.

24          Q.     Have you ever seen someone struck in the  
25    face multiple times with firearms before?

1           A.    I have.

2           Q.    To the best of your recollection, what  
3    would that person's face look like?

4                   MR. HOLDER: Object to the form.

5    BY MR. MARTIN:

6           Q.    You can answer.

7           A.    I can still answer?

8           Q.    Yes, sir.

9           A.    Normally when I've seen people struck  
10   with a firearm, you see lacerations, not just  
11   blood protruding. Because as they're hit in the  
12   face, especially if it's several times, you're  
13   going to wind up catching one of the bony parts,  
14   getting lacerations, and it would be substantial  
15   damage.

16          Q.    And why would that substantial damage  
17   occur in your experience?

18          A.    Because you're using a blunt object to  
19   hit someone in the face.

20          Q.    And what are firearms/service weapons  
21   typically made out of?

22          A.    Metal and hard plastic, polymer.

23          Q.    Based on your experience, if you knew  
24   nothing about this case and you looked at  
25   Mr. Peterson's photo, as an investigator, would

1     you suspect that he had been beaten multiple times  
2     in the face with a firearm?

3             A.     No, sir.

4             Q.     Why not?

5             A.     Because it looks more like he hit his  
6     face one time, as if being taken to the ground,  
7     and it caught his mouth and nose.

8             Q.     Okay. Have you dealt on scene with bad  
9     injuries before?

10            A.     Yes, sir.

11            Q.     What would you classify as a bad injury?

12            A.     A bad injury is going to need stitches.  
13     It's going to be something that's going to leave a  
14     substantial scar or have some sort of  
15     life-altering, long-term situation.

16            Q.     Based on this photo and your  
17     recollection from that day, was Mr. Peterson  
18     suffering from a serious injury?

19                   MR. HOLDER: Object to form.

20            A.     No, sir.

21     BY MR. MARTIN:

22            Q.     Did you feel that Mr. Peterson needed an  
23     ambulance called?

24            A.     No, sir.

25            Q.     Why not?

1           A.    Because the bleeding stopped shortly  
2    after, so it didn't appear that it was something  
3    that was substantial, and it was -- it appeared to  
4    be minor injuries. I mean, there wasn't -- and  
5    there wasn't nothing in that situation that would  
6    have constituted a serious injury whenever he was  
7    taken into custody.

8           Q.    Okay. Once Mr. Peterson was in custody  
9    and you were observing him, did you want any  
10   additional harm to come to Mr. Peterson?

11          A.    No, sir.

12          Q.    Okay. I want to talk quickly again  
13   about the sheriff. We've established that he was  
14   not inside whenever you were inside with  
15   Mr. Peterson.

16                Do you recall having any interactions  
17   with the sheriff once you finished handcuffing  
18   Mr. Peterson?

19          A.    Oh, I'm sure we talked probably more  
20   than once while we were out there.

21          Q.    Did you talk with the sheriff in the  
22   living room when Mr. Peterson was with you?

23          A.    Oh, no, sir.

24          Q.    And why not?

25          A.    Because we got him up -- we were still

1 in the process of doing our secondary sweep. And  
2 once we got him handcuffed and got him up, I  
3 walked him outside.

4 Q. And I don't need to get into specifics  
5 of our past conversations, but Mr. Holder asked  
6 you some questions earlier about the interrogatory  
7 responses. Do you remember having a phone  
8 conversation with me about these events?

9 A. Yes, sir.

10 Q. Okay. And we've mentioned the sheriff.  
11 Where was Investigator Stachura? Where was Ryan,  
12 to your knowledge, when you were effectuating the  
13 arrest?

14 A. I believe he was outside.

15 Q. Okay. So you say you believe. You  
16 can't be certain where Ryan was?

17 A. I don't know when he came up to the  
18 trailer.

19 MR. MARTIN: I think that's it,  
20 gentlemen, for me.

21 - - -

22 FURTHER EXAMINATION

23 BY MR. HOLDER:

24 Q. This couch, would you agree it's  
25 probably eight feet from the front door?

1           A.    Yes.

2           Q.    It's pretty close?  Couple of steps,  
3   whatever?

4           A.    Yes.

5           Q.    And there's a coffee table in between?

6           A.    Yes.

7           Q.    So when you walk in, Mr. Peterson was  
8   asleep on the couch and gets up.  At that point in  
9   time, is it your goal to make sure that he's  
10   secured for everybody's safety?

11          A.    Yes, sir.

12          Q.    Prior to any allegations of you hitting  
13   him or him picking up a wine bottle, your goal is  
14   to make sure that, you know, everybody's safe and  
15   secure; right?

16          A.    Correct.

17          Q.    Okay.  And so this whole entire  
18   operation, from the time you walked in that front  
19   door until the time he got up off that couch, had  
20   to have just lasted a matter of seconds; correct?

21          A.    Yes, sir.

22          Q.    And you walked in with your firearm  
23   drawn; is that right?

24          A.    Yes, sir.

25          Q.    So when did you holster your firearm?

1           A.    As I was coming through, coming across,  
2    I holstered it as I was coming up on him.  I  
3    grabbed his arm.  I holstered it at the same time,  
4    transitioned and took him down.

5           Q.    And one of the reasons you have your  
6    firearm drawn when you come in is because you  
7    don't know who's there; right?

8           A.    Correct.

9           Q.    And when you're going to secure  
10   Mr. Peterson, you still don't know who's there;  
11   correct?

12          A.    That is correct.

13          Q.    So what would be the point in holstering  
14   your firearm if you still don't know who's there?

15          A.    Because at the point that I'm taking him  
16   into custody, I have people that are behind me  
17   that I trust to do their job to cover my six.

18          Q.    But they were still behind you when you  
19   were going in to begin with; right?

20          A.    Uh-huh.

21          Q.    Okay.  So nothing changed really; right?

22          A.    Well, yes, it did change.

23          Q.    Well, they didn't have time to secure  
24   the entire house at that point in time; correct?

25          A.    It doesn't matter.  It still did change



1 at the point that I was taking him into custody.

2 Q. Okay. What changed then insofar as  
3 whether you knew if there was anybody else in the  
4 house?

5 A. Because I was dealing with him. I  
6 didn't know if there was anyone else in the house;  
7 but at that point, that turns into their  
8 responsibility to take people into custody.

9 Q. Okay. And it's your testimony that you  
10 walk in, and Officer Tucker and Officer Tate are  
11 walking in. Y'all's firearms are drawn, and  
12 Mr. Peterson, at some point in time when you  
13 approach him, he gets up and he sees y'all; right?

14 A. Yes.

15 Q. And he's bringing a wine bottle to a gun  
16 fight, basically, at this point in time?

17 A. If you want to put it like that.

18 Q. Now, you said Sheriff Allison was  
19 standing outside, correct, during this point in  
20 time?

21 A. Yes, sir.

22 Q. To the best of your knowledge, how often  
23 does he participate in the execution of search  
24 warrants?

25 A. Pretty often.

1           Q.    Have you ever participated with him  
2   before?

3           A.    Yes, sir.

4           Q.    Okay. And does he ever run point with  
5   you on any of those, or is he always outside?

6           A.    No, sir. He's normally outside.

7           Q.    Okay. Now, you said, you know, your  
8   experience is if you're struck in the face with a  
9   firearm, there's going to be substantial injuries  
10   and damage; is that correct?

11          A.    That is my experience, yes.

12          Q.    There would be bad injuries. Would you  
13   consider nerve damage to be a bad injury?

14          A.    Yes, sir.

15          Q.    And you're not a doctor, are you? I'm  
16   not trying to be a smartass.

17          A.    Nuh-uh.

18                THE COURT REPORTER: Was that "yes" or  
19   "no"?

20                THE WITNESS: I'm sorry. No, I am not a  
21   doctor.

22   BY MR. HOLDER:

23          Q.    You don't have any extensive medical  
24   training, do you?

25          A.    I have medical training, but not

1     extensive.

2           Q.     And what type of medical training?   Are  
3     you talking about CPR?

4           A.     CPR, First Aid, LifeSaver.

5           Q.     But you're not qualified to be giving  
6     diagnoses or anything like that to somebody's  
7     injuries; is that correct?

8           A.     That is correct.

9                   MR. HOLDER:   That's all I've got.

10                                 - - -

11                   (Deposition concluded at 10:30 a.m.)

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CERTIFICATE OF COURT REPORTER

I, NATALIE R. SEYMOUR, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the 8th day of November, 2021.

*Natalie R. Seymour*



Natalie R. Seymour, CSR #1637  
My Commission Expires 6/12/2022.

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